

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-CR-311-JFH-2

ERIC RAY MYERS,

Defendant.

OPINION AND ORDER

Before the Court is a motion to dismiss indictment [Dkt. No. 15] without prejudice filed by the United States of America (“Government”) as to Defendant Eric Ray Myers. Dkt. No. 105.

Under Federal Rule of Criminal Procedure 48(a), “courts must grant prosecutors leave to dismiss charges unless dismissal is clearly contrary to manifest public interest.” *United States v. Robertson*, 45 F.3d 1423, 1437 n.14 (10th Cir. 1995) (quoting *Rinaldi v. United States*, 434 U.S. 22, 30 (1977)). Based upon the motion, the Court concludes that dismissal of the charge against Defendant Eric Ray Myers is not contrary to the public interest, nor is it for an improper purpose. Accordingly, the Government’s motion to dismiss should be granted.

IT IS THEREFORE ORDERED that the Government’s motion to dismiss [Dkt. No. 105] is GRANTED and the indictment [Dkt. No. 15] is dismissed without prejudice against Defendant Eric Ray Myers.

Dated this 24th day of January 2024.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE